

**ENTERED**

April 07, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

ELIDA ORTEGA,

Petitioner,

VS.

MCALLEN SPECIALTY SURGICAL  
CENTER, LTD,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 7:21-CV-00189

**ORDER GRANTING AGREED MOTION TO DISMISS WITH PREJUDICE**

Now before the Court is the “Agreed Motion to Dismiss with Prejudice” filed by Plaintiff Elida Ortega and Defendant McAllen Specialty Surgical Center, Ltd. (together, the “Parties”). (Dkt. No. 6). The Parties file their Motion pursuant to Rule 162 of the Texas Rules of Civil Procedure. *Id.* The Court, however, is bound by the Federal Rules of Civil Procedure rather than the Texas Rules of Civil Procedure. Under Federal Rule of Civil Procedure 41, “the plaintiff may dismiss an action without a court order by filing . . . a stipulation of dismissal signed by all parties who have appeared.” FED. R. CIV. P. 41(a)(1)(A)(ii). The Parties’ Motion “is signed on behalf of all Parties who have appeared.”<sup>1</sup> (Dkt. No. 6). Thus, the Parties’ filing satisfies Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Therefore, the Court **ORDERS** that Plaintiff’s action against Defendant is **DISMISSED** with prejudice, as requested. The Court further **ORDERS** that each party bear its own costs and attorneys’ fees.

---

<sup>1</sup> The signature of Carlos E. Hernandez, Jr., attorney for Plaintiff Elida Ortega, was signed with permission. (Dkt. No. 6 at p. 2).

SO ORDERED April 7, 2022, at McAllen, Texas.

A handwritten signature in black ink, reading "Randy Crane", written over a horizontal line.

Randy Crane  
United States District Judge